

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
JORGE CERDA,

Plaintiff,

Index No.:

Date Purchased:

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, NEW YORK CITY POLICE
DEPARTMENT MANHATTAN NORTH NARCOTICS
BUREAU, NEW YORK CITY POLICE DEPARTMENT
30TH PRECINCT, P.O. LOUIS DAMBROSIO, P.O.
CRYSTAL COLLINS and "JOHN DOES"
REPRESENTING VARIOUS NYC POLICE OFFICERS
WHOSE NAMES AND IDENTITIES ARE PRESENTLY
UNKNOWN,

VERIFIED COMPLAINT

Defendants.

-----X

Plaintiff, by his attorneys, **THE YANKOWITZ LAW FIRM, P.C.**, complaining of the
Defendants, respectfully allege upon information and belief:

PRELIMINARY STATEMENT

1. The plaintiff JORGE CERDA, brings this action against the defendants CITY OF
NEW YORK, THE NYC POLICE DEPARTMENT, THE NYC POLICE DEPARTMENT
MANHATTAN NORTH NARCOTICS BUREAU, NYC POLICE DEPARTMENT 30TH PCT,
NEW YORK CITY POLICE OFFICERS LOUIS DAMBROSIO, P.O. CRYSTAL COLLINS AND
"JOHN DOES" names being fictitious and representing OTHER POLICE OFFICERS OF THE
30TH PCT. WHOSE NAMES AND IDENTIFIES ARE PRESENTLY UNKNOWN, who
carelessly, recklessly and negligently deprived and violated the plaintiff' s civil and constitutional

rights and caused, permitted and allowed him to be falsely arrested and imprisoned, maliciously and falsely prosecuted, assaulted and battered, physically, verbally and emotionally abused, injured and damaged.

FACTS

2. Upon information and belief, that on February 27, 2013, at approximately 6:40 AM, the Plaintiff, JORGE CERDA was lawfully in his home at 3333 Broadway, Apt. D28H, New York, New York. Upon information and belief, at said time, date and place, the defendants, NYC POLICE Officers of the 30th PCT., and/or other precincts and/or MANHATTAN NORTH NARCOTICS BUREAU falsely accused plaintiff JORGE CERDA of selling narcotics. Said Police Officers were advised by the plaintiff, JORGE CERDA, that he had nothing to do with the said charge. Police Officers ignored the statements and information provided by the plaintiff JORGE CERDA and failed and refused to conduct an investigation. Said Police Officers falsely arrested and placed handcuffs on the plaintiff, JORGE CERDA in front of his children, fiancé, his mother and step-father; brought him down through the lobby of his building in front of neighbors and placed him into a police van; plaintiff was kept in this police van for approximately 1 ½ - 2 hours with handcuffs fasten tightly around his wrists causing pain and discomfort, and said Police Officers refused to loosen same despite repeated requests by plaintiff. Plaintiff was then taken to a precinct where he was finger printed, photographed, searched and placed into a cell. The plaintiff JORGE CERDA was falsely imprisoned for approximately 20 days and was released on bail on or about March 18, 2013. Said Police Officers threatened, intimidated and humiliated the plaintiff JORGE CERDA repeatedly telling him to “shut up” when he repeatedly tried to explain the mistake the said officers made, that there was clearly a mistaken identity and the arrest was improper and false; they treated the plaintiff JORGE CERDA like a

hardened criminal over the 20 days of his false arrest and imprisonment. During the 20 days of false arrest and imprisonment the plaintiff JORGE CERDA was handcuffed, placed in prison cells, and placed in prison populations where he feared for his life. During the aforesaid false imprisonment, the plaintiff, JORGE CERDA was handcuffed and verbally, physically and emotionally abused, intimidated, humiliated, embarrassed and defamed by said police officers/employees and agents of the CITY OF NEW YORK, NYCPD whose identities are presently unknown. The NYCPD, the NYCPD 30th Pct., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and “JOHN DOES” Police Officers, their agents, and/or employees used excessive and unnecessary force, falsely imprisoned and falsely arrested the plaintiff JORGE CERDA and falsely accused him of selling drugs; and they caused, permitted and allowed the false and malicious prosecution of the plaintiff.

At all times following and during the false arrest and imprisonment, handcuffing and deprivation of the civil rights of and the false and malicious prosecution of the plaintiff, JORGE CERDA, the defendants and the aforesaid NYC police officers and NYCPD, 30TH Pct., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and their agents and employees possessed information and knowledge that the claims and accusations against the plaintiff JORGE CERDA were false and without merit as plaintiff JORGE CERDA advised them. The aforesaid false arrest and imprisonment of the plaintiff JORGE CERDA was without probable cause to believe a crime was committed by JORGE CERDA.

The defendants, their agents, servants and/or employees maliciously prosecuted the plaintiff without cause, without evidence of the commission of a crime by plaintiff, and with information and knowledge that they falsely arrested the plaintiff, JORGE CERDA and they falsely and mistakenly

identified plaintiff. On December 9, 2013 all charges against the plaintiff JORGE CERDA were dismissed (see Certificates of Disposition Dismissal dated January 24, 2014, which are annexed hereto and incorporated herein by reference).

Plaintiff JORGE CERDA was denied and deprived of his civil rights both State and Federal, (including but not limited to 42USC § 1983, 1981 and the Fourth Amendment of the United States Constitution), was refused access to an attorney and was verbally, physically and emotionally abused, intimidated, humiliated, embarrassed and defamed by the NYCPD, MANHATTAN NORTH NARCOTICS BUREAU, 30TH PCT., LOUIS DAMBROSIO, CRYSTAL COLLINS, and “JOHN DOES” Police Officers.

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, MANHATTAN NORTH NARCOTICS BUREAU, 30th PCT., LOUIS DAMBROSIO, CRYSTAL COLLINS, and “JOHN DOES” Police Officers, their agents, servants and/or employees were careless, reckless and negligent in failing to properly train, instruct, supervise, monitor and control its agents, servants and employees; were careless, reckless and negligent in the performance of their law enforcement functions and duties; in that they failed to properly and adequately investigate the situation, question witnesses and respect and pay attention to the plaintiff; in failing to investigate; in falsely detaining, arresting and imprisoning the said plaintiff in a careless, reckless and negligent manner; in negligently, carelessly and recklessly failing to prevent the aforesaid incident and 20 days of plaintiff's incarceration; in causing, permitting and allowing the false arrest and imprisonment, excessive force, abuse and handcuffing of the plaintiff, JORGE CERDA, for 20 days and deprivation of his civil rights; in that they failed to employ adequate, competent personnel, training, supervision and inspection; in that they maintained and controlled their police officers and investigators, in a reckless

disregard for the safety and welfare of said plaintiff JORGE CERDA; in that they failed to employ sufficient and adequate personnel and employees. That the CITY OF NEW YORK, the NYCPD and the NYCPD 30th PCT., MANHATTAN NORTH MARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and “JOHN DOES” Police Officers, their agents, servants and employees on and before February 27th, 2013 and thereafter employed, engaged in, accepted, permitted and allowed a policy and/or custom and decision promulgated by the NYCPD, THE NYCPD 30th PCT., MANHATTAN NORTH NARCOTICS BUREAU and the aforesaid Police officers, of excessive and abusive force, lack of discretion and improper, careless, reckless and negligent investigation practices and procedures, racial and socio-economic bias and physical force. The aforesaid actions and conduct by police officers of NYCPD, their false arrest and imprisonment of plaintiff JORGE CERDA, the isolating, imprisoning, handcuffing, denial and deprivation of his civil rights, their denial and refusing access of this plaintiff for 20 days while keeping him imprisoned and handcuffed, occurred pursuant to the practice of the NYCPD of abuse, physical force and deprivation of Civil Rights that was so permanent and well settled as to constitute a custom and usage with the force of law. The CITY OF NEW YORK, NYCPD and NYCPD 30th PCT., MANHATTAN NORTH NARCOTICS BUREAU failed to adequately and properly train police officers of the 30th Pct., with a deliberate indifference to the Civil Rights of the plaintiff JORGE CERDA, in violation of 42USC § 1983. THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, LOUIS DAMBROSIO, CRYSTAL COLLINS and “JOHN DOES” Police Officers , their agents, servants and/or employees deprived the said plaintiff, of due process and violated their Civil Rights under the constitution of the State of New York and the United States of America, as well as all applicable Civil Rights statutes, laws, ordinances, rules and regulations of the City and State of New York and the United States of America/Federal

Government. THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, their agents, servants and/or employees maliciously assaulted and handcuffed the plaintiff, verbally abused and humiliated and embarrassed the plaintiff, JORGE CERDA and defamed his character. Falsely arrested and imprisoned plaintiff for 20 days and falsely and maliciously prosecuted plaintiff for 10 months. THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, the defendants, their agents, servants and/or employees wrongfully, unlawfully, falsely and maliciously held, confined, restrained and imprisoned the said plaintiff, JORGE CERDA for 20 days; handcuffed him for extended hours of time, falsely arrested him and deprived him of his liberty, violated his civil rights, isolated him and deprived him access to his family, denied him access to legal counsel and verbally physically and emotionally abused, defamed, humiliated and embarrassed this plaintiff; and maliciously and falsely prosecuted him; all of which caused and inflicted serious injury and damage to the plaintiff JORGE CERDA, herein set forth.

3. During the aforesaid 20 days of false arrest and imprisonment by the defendants, the plaintiff repeatedly tried to explain to defendants Dambrosio and Collins and the other NYC Police Officers they had made a mistake. During the days of said false arrest and imprisonment of the Plaintiff, defendants Dambrosio and Collins and the other unidentified NYC Police Officers caused, permitted and allowed the plaintiffs to be verbally, physically and emotionally abused, intimidated, humiliated, embarrassed and defamed.

4. The defendants and other unidentified NYC Police Officers treated the plaintiff like a hardened criminal over the 20 days of his false arrest and imprisonment; the plaintiff JORGE CERDA were handcuffed and confined in a cell during his ordeal; he was interrogated; fingerprinted; mug shots were taken; he was searched, placed into a prison population with hardened and violent criminals and feared for his life.

5. During the aforesaid false imprisonment of the plaintiff JORGE CERDA, he was handcuffed and verbally, physically and emotionally abused, intimidated, humiliated, embarrassed, ridiculed and defamed by defendants Dambrosio and Collins and other police officers/employees and agents of the NYCPD and CITY OF NEW YORK, whose identities are presently unknown. The NYCPD, THE NYC MANHATTAN NORTH NARCOTICS BEAUREAU, THE NYCPD 30TH Pct., defendant P.O. LOUIS DAMBROSIO AND P.O. CRYSTAL COLLINS AND “JOHN DOES” police officers whose identities are presently unknown, used excessive and unnecessary force, assaulted and battered, falsely imprisoned and falsely arrested the plaintiff JORGE CERDA and falsely accused him of a crime he did not commit and they falsely and maliciously incarcerated the plaintiff for 20 days, maliciously prosecuted him for 10 months and denied his Civil Rights under NYS Law, Federal Law and the U.S. Constitution.

6. At all times following and during the false arrest and imprisonment, handcuffing and deprivation of the civil rights of and malicious prosecution of the plaintiff, JORGE CERDA, the defendants and their agents and employees possessed information and knowledge that charges and accusations against the plaintiff were false and without merit as JORGE CERDA repeatedly advised them, yet the defendants, their agents and employees failed and refused to corroborate same. The aforesaid false arrest and continuous false imprisonment of the plaintiff JORGE CERDA was made without a warrant and without probable cause to believe a crime was committed.

7. The defendants, their agents, servants and/or employees deprived the plaintiff JORGE CERDA of his Civil Rights, both State and Federal (including but not limited to 42 USC §1983, 1981 AND THE 4TH and 14TH Amendments of the United States Constitution; they denied the plaintiff access to legal counsel; they failed to read the plaintiff his Miranda Rights; they intentionally verbally, physically and emotionally abused, intimidated, threatened, humiliated, embarrassed and defamed the plaintiff, JORGE CERDA and victimized him with excessive, abusive and unnecessary force and maliciously arrested, imprisoned and incarcerated him without probable cause or a warrant.

8. At all times herein mentioned, the plaintiff JORGE CERDA presented no danger to himself or anyone else, including the defendants Dambrosio and Collins and the aforesaid unidentified police officers of the NYCPD, he had no weapons and provided no resistance to defendants aforesaid arrest, handcuffing, imprisonment and incarceration of the plaintiff.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

9. That at all times hereinafter mentioned the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation duly authorized and existing under and by virtue of the laws of the State of New York.

10. That at all times hereinafter mentioned the defendant, THE NEW YORK CITY POLICE DEPARTMENT, the NYCPD 30TH PCT. and THE NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU were and still are Departments, Agencies and/or Divisions of the defendant CITY OF NEW YORK, a municipal corporation duly authorized and existing under and by virtue of the laws of the State of New York.

11. That at all times herein mentioned, the plaintiff JORGE CERDA was a resident in the City and State of New York.

12. Upon information and belief, that at all times herein mentioned, the defendant, P.O.LOUIS DAMBROSIO, was and still is a resident of the State of New York.

13. Upon information and belief, that at all times herein mentioned, the defendant, P.O.CRYSTAL COLLINS, was and still is a resident of the State of New York.

14. Upon information and belief, that at all times herein mentioned, “ JOHN DOES” the unidentified police officers of the 30TH Pct. and the NYCPD MANHATTAN NORTH NARCOTICS BUREAU defendants, were and still are residents of the State of New York.

15. Upon information and belief, that at all times herein mentioned, the defendant

P.O. LOUIS DAMBROSIO was employed by the defendants CITY OF NEW YORK and/or NYCPD and his conduct and actions set forth in this Complaint were in the course of his employment and in his official and individual capacity.

16. Upon information and belief, that at all times herein mentioned, the defendant P.O. CRYSTAL COLLINS was employed by the defendants CITY OF NEW YORK and/or NYCPD and his conduct and actions set forth in this Complaint were in the course of his employment and in his official and individual capacity.

17. Upon information and belief, that at all times herein mentioned, “ JOHN DOES” the unidentified police officers of the 30th Pct. defendants were employed by the defendants CITY OF NEW YORK and/or NYCPD and their conduct and actions set forth in this Complaint were in the course of their employment and in their official and individual capacities.

18. That these plaintiffs have complied with all of the conditions precedent to the bringing of this action against the defendants and have complied with the provisions of the statute in such cases made provided; in particular plaintiffs have presented and served a Notice of Claim hereinafter mentioned (a copy of which is annexed hereto and incorporated herein by reference) upon the defendants on February 10, 2014, and more that thirty 30 days have elapsed since the presentation of said claim and the claim remains unadjusted and the defendants have failed and/or refused to make any adjustments of same.

19. That more than 90 days have passed since the service of the aforesaid Notice of Claim, the defendants have failed and neglected to request a 50H hearing and defendants have waived a 50H hearing accordingly.

20. That this action is being commenced within one year and ninety days of the dismissal of the aforesaid dismissal of all charges against the plaintiff on December 9, 2013.

21. This action falls within one or more of the exceptions set forth in CPLR § 1602.

22, That the Defendants, their agents, servants and/or employees were careless, reckless and negligent in falsely arresting, detaining, imprisoning and incarcerating the plaintiff; in failing to properly train, instruct, supervise, monitor and control its police officers, agents, servants and employees; were careless, reckless and negligent in the performance of their law enforcement functions and duties; in that they failed to properly and adequately investigate the situation, question witnesses corroborate the evidence and respect and pay attention to the plaintiff JORGE CERDA in falsely detaining, arresting and imprisoning and prosecuting the said plaintiff in a careless, reckless and negligent manner; in negligently, carelessly and recklessly failing to prevent the aforesaid incident; in causing, permitting and allowing the false arrest and imprisonment, excessive force, abuse and handcuffing of the plaintiff, JORGE CERDA, for approximately 20 days and deprivation of his civil rights; in that they failed to employ adequate, competent personnel, training, supervision and inspection; in that they maintained and controlled their police officers and investigators, with a reckless disregard for the safety and welfare of said plaintiff JORGE CERDA; in that they failed to employ sufficient and adequate personnel and employees. That the defendants the CITY of NEW YORK, the NYCPD, NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU and the NYCPD 30th PCT., P.O. LOUIS DAMBROSIO, P.O. CRYSTAL COLLINS, their agents, servants and employees on and before February 27, 2013 employed, engaged in, accepted, permitted and allowed a policy and/or custom and decision promulgated by the CITY OF NEW YORK, NYCPD, NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU, THE NYCPD 30th PCT., and the Police officers of the 30th PCT., of excessive and abusive force, lack of discretion and improper, careless, reckless and negligent investigation practices and procedures, racial and socio-economic bias, physical force and a disregard for the health, welfare and safety of the plaintiff, JORGE CERDA herein. The aforesaid actions and conduct by defendants THE NEW YORK CITY POLICE DEPARTMENT 30TH Pct., NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU, NYC P.O. LOUIS

DAMBROSIO, P.O. CRYSTAL COLLINS and the said unidentified NYC police officers, their false arrest and imprisonment plaintiff JORGE CERDA, the isolating, imprisoning, handcuffing, denial and deprivation of his civil rights and malicious prosecution, occurred pursuant to the practice of the said defendants and the NYCPD, 30th Pct. and THE MANHATTAN NORTH NARCOTIS BUREAU of abuse, physical force and deprivation of Civil Rights that was so permanent and well settled as to constitute a custom and usage with the force of law. The CITY OF NEW YORK, NYCPD, NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU and NYCPD 30th PCT., failed to adequately and properly train the defendant DAMBROSIO AND COLINS and the aforesaid unidentified police officers of the 30TH Pct. and MANHATTAN NORTH NARCOTIC BUREAU with a deliberate indifference to the Civil Rights of the plaintiff JORGE CERDA, in violation of 42USC § 1983. THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU the 30TH Pct., their agents, servants and/or employees deprived the said plaintiff, JORGE CERDA of due process and violated his Civil Rights under the constitution of the State of New York and the United States of America, as well as all applicable Civil Rights statutes, laws, ordinances, rules and regulations of the City and State of New York and the United States of America/Federal Government. Defendant' s THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DAMBROSIO, COLLINS, unidentified police officers of the 30TH Pct., their agents, servants and/or employees maliciously imprisoned, prosecuted, assaulted and handcuffed the plaintiff JORGE CERDA, verbally abused, intimidated, threatened and humiliated and embarrassed the plaintiff JORGE CERDA and defamed his character. Defendants, THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, the 30TH PCT., NYC POLICE DEPARTMENT MANHATTAN NORTH NARCOTICS BUREAU their agents, servants and/or employees, P.O. DAMBROSIO AND P.O. COLLINS and other unidentified NYCPD officers wrongfully, unlawfully, falsely and maliciously held, confined, restrained and imprisoned the

plaintiff, JORGE CERDA, handcuffed him for extended hours of time, falsely arrested him and deprived him of his liberty, incarcerated him for 20 days, violated his civil rights, isolated him and denied him access to legal counsel, falsely and maliciously prosecuted him and verbally, physically and emotionally abused, defamed, humiliated, intimidated and embarrassed the plaintiff; all of which caused and inflicted serious injury and damage to the plaintiff JORGE CERDA, herein set forth.

23. That as a result of the aforesaid incident the plaintiff, JORGE CERDA was caused to sustain serious and severe personal injuries.

24. That as a result of the defendants aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from multiple bodily injuries, pain and distress, post traumatic stress disorder, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and plaintiff was caused to incur and continues to incur expenses for medical attention and treatment.

25. That the said occurrence, arrest, incarceration, malicious prosecution and the injuries and damages to the plaintiff, JORGE CERDA, resulting there from were caused solely and wholly by reason of the carelessness, recklessness and negligence of the defendants, their agents, servants and/or employees.

26. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF THE
PLAINTIFF, JORGE CERDA**

27. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1 - 26 with the same force and effect as though the same were more fully set forth at length thereat.

28. The defendants are liable pursuant to 42 U.S.C. § 1983 for maintaining a policy, practice and custom of unreasonable seizure and unlawful arrests and plaintiff JORGE CERDA in particular, absent probable cause of criminal activity in violation of the Fourth and Fourteenth Amendments to the United States Constitution and without a warrant.

29. Defendants, DAMBROSION AND COLLINS and unidentified police officers of the 30TH Pct. and MANHATTAN NORTH NARCOTICS BUREAU are liable, individually and in their official capacities, pursuant to 42 U.S.C. § 1983 for unreasonably confining, detaining, handcuffing, seizing and unlawfully arresting and imprisoning the infant plaintiff, JORGE CERDA, in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

30. The defendants, their agents, servants and/or employees deprived the plaintiff, JORGE CERDA of due process and violated his Civil Rights under the Constitution and Laws of the State of New York and the United States of America, as well as all applicable Civil Rights Statutes, Laws, Ordinances, rules and regulations of the City and State of New York and the United States of American Federal Government.

31. This action falls within one or more of the exceptions set forth in CPLR § 1602.

32. That as a result of the defendants and their agents, servants and/or employees' aforesaid conduct, actions, negligence, carelessness and recklessness, the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

33. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

34. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-33 with the same force and effect as though the same were more fully set forth at length hereat.

35. The defendants, their agents, servants and/or employees wrongfully, unlawfully, maliciously assaulted, handcuffed, humiliated, embarrassed, seized, confined and imprisoned

the plaintiff JORGE CERDA for approximately 20 days, causing him severe personal injuries.

36. The defendants are liable pursuant to 42 U.S.C. § 1983 for maintaining a policy, practice and custom of using excessive force which was followed and used against the plaintiff, JORGE CERDA in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

37. Defendants NYC P.O. DAMBROSIO AND COLLINS and unidentified police officers of the 30th Pct. and MANHATTAN NORTH NARCOTIC BUREAU in their individual and official capacities are liable pursuant to 42 U.S.C. § 1983 for using excessive force against the plaintiff, JORGE CERDA in violation of the Fourth and Fourteenth Amendment to the United States Constitution.

38. That the defendants, their agents, servants and/or employees acted under color of State Law to deprive the plaintiff JORGE CERDA of his right to be free of excessive force as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution as enforced by 42 U.S.C. § 1983.

39. This action falls within one or more of the exceptions set forth in CPLR § 1602.

40. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable deprivation and denial of his Civil Rights guaranteed under the

constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

41. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

42. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-41 with the same force and effect as though the same were more fully set forth at length thereat.

43. That the defendants are liable pursuant to 42 U.S.C. § 1983 for maintaining a policy, practice and custom of committing abuses which they committed against the plaintiff, JORGE CERDA, depriving his of substantive due process that shocks the conscience in violation of the Fourteenth Amendment to the United States Constitution.

44. Defendants DAMBROSIO AND COLLINS and the unidentified police officers of the 30th Pct. and MANHATTAN NORTH NARCOTIS BUREAU are liable pursuant to 42 U.S.C. § 1983 for abuses against the plaintiff, JORGE CERDA, depriving his of substantive due process that shocks the conscience in violation of the Fourteenth Amendment to the United States Constitution.

45. This action falls within one or more of the exceptions set forth in CPLR § 1602.

46. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

47. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

48. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-47 with the same force and effect as though the same were more fully set forth at length thereat.

49. By their actions, as set forth in this complaint and exhibits annexed, the defendants,

their agents, servants and/or employees, in their official and individual capacities, acted under color of State Law to deprive the plaintiff, JORGE CERDA of his right to be free from false arrest and false imprisonment and false and malicious prosecution as guaranteed by the Fourth and Fourteenth Amendments of the Federal Constitution, as enforced by to 42 U.S.C. § 1983.

50. This action falls within one or more of the exceptions set forth in CPLR § 1602.

51. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from multiple bodily injuries, pain and distress, emotional and psychological injury and damage, post traumatic stress disorder, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff was caused to incur and continues to incur expenses for medical attention and treatment.

52. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-52 with the same force and effect as though the same were more fully set forth at length thereat.

54. The defendants, their agents, servants and/or employees are liable for the unlawful and unreasonable seizures and unlawful arrests of plaintiff JORGE CERDA, in violation of Article 1 § 12 of the New York Constitution.

55. Defendants, DAMBROSIO, COLLINS and unidentified police officers of the 30th Pct. and MANHATTAN NORTH NARCOTICS BUREAU are liable pursuant to Article 1 § 12 of the New York Constitution for unreasonable seizure, and unlawful arrest, incarceration and prosecution of the plaintiff, JORGE CERDA.

56. This action falls within one or more of the exceptions set forth in CPLR § 1602.

57. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights

statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

58. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

59. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-58 with the same force and effect as though the same were more fully set forth at length thereat.

60. The Defendants, are liable for the false arrest, false and unlawful incarceration of the plaintiff, JORGE CERDA for 20 days and the false and malicious prosecution of the plaintiff, in violation of New York Law.

61. Defendants, P.O. DAMBROSIO AND COLLINS and unidentified police officers of the 30th Pct. and MANHATTAN NORTH NARCOTIS BUREAU are liable for the false arrest of the plaintiff, JORGE CERDA in violation of New York State law.

62. This action falls within one or more of the exceptions set forth in CPLR § 1602.

63. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from multiple bodily injuries, pain and distress, emotional and psychological injury and damage, post traumatic stress disorder, great indignity,

embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

64. That by reason of the foregoing, the infant plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A EIGHTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

65. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-64 with the same force and effect as though the same were more fully set forth at length thereat.

66. The Defendants, CITY OF NEW YORK, NYCPD AND NYCPD MANHATTAN NORTH NARCOTICS BUREAU are liable for the assault and battery of the plaintiff, JORGE CERDA in particular, in violation of New York Law.

67. Defendants, P.O. DAMBROSIO AND COLLINS and unidentified police officers of the 30th Pct. and MANHATTAN NORTH NARCOTIS BUREAU are liable for the assault and battery of the plaintiff, JORGE CERDA in violation of New York State law.

68. This action falls within one or more of the exceptions set forth in CPLR § 1602.

69. That as a result of the aforesaid conduct, actions, negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

70. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A NINTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-70 with the same force and effect as though the same were more fully set forth at length thereat.

72. That all accusations and charges against the plaintiff, JORGE CERDA were false which was at all times known to the defendants, their agents, servants and/or employees.

73. That the defendants, their agents, servants and/or employees falsely arrested, imprisoned and maliciously incarcerated, detained and prosecuted the plaintiff, JORGE CERDA and as a result of defendants abuse of process, the plaintiff JORGE CERDA was caused and subjected to great indignation and humiliation, embarrassment, pain and distress of mind and body, post traumatic stress disorder and suffered injury and damage and defamation of his good name and reputation in the community, among his friends, neighbors, and others.

74. This action falls within one or more of the exceptions set forth in CPLR § 1602.

75. That as a result of the aforesaid conduct, actions, negligence, Carelessness and recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from post traumatic stress disorder, multiple bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

76. That by reason of the foregoing, the plaintiff, JORGE CERDA, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

**AS AND FOR A TENTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF JORGE CERDA**

77. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs 1-76 with the same force and effect as though the same were more fully set forth at length thereat.

78. As a result of the defendants and their agents, servants and/or employees' aforesaid intentional, concerted, conspired, wanton, malicious, egregious and shocking actions and conduct and their gross negligence and recklessness as set forth in this complaint, the plaintiff, JORGE CERDA claims punitive damages against the defendants.

79. This action falls within one or more of the exceptions set forth in CPLR § 1602.

80. That as a result of the defendants aforesaid conduct, intentional, willful actions, gross negligence, gross carelessness and gross recklessness of the defendants, their agents, servants and/or employees the plaintiff JORGE CERDA sustained and continues to suffer from multiple post traumatic stress disorder, bodily injuries, pain and distress, emotional and psychological injury and damage, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered unconscionable depravation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and the plaintiff JORGE CERDA was caused to incur and continues to incur expenses for medical attention and treatment.

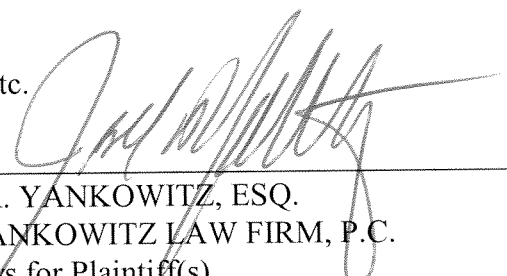
81. That by reason of the foregoing, the plaintiff, JORGE CERDA, claims and seeks punitive damages against the defendants in the amount of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

WHEREFORE, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

WHEREFORE, plaintiffs demand judgment against the defendants on the FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH AND NINTH, CAUSES OF ACTION, for damages in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction in all Actions, and punitive damages in the TENTH CAUSE OF ACTION in the amount of TWENTY FIVE MILLION DOLLARS \$25,000,000.00), together with costs, attorney fees and disbursements of these actions.

Dated: Great Neck, New York
May 29, 2014

Yours, etc.



JACK A. YANKOWITZ, ESQ.
THE YANKOWITZ LAW FIRM, P.C.
Attorneys for Plaintiff(s)
JORGE CERDA
175 East Shore Road
Great Neck, New York 11023
(516) 622-6200
Our File No. 7726 -13

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

JORGE CERDA

- against -

THE CITY OF NEW YORK
NEW YORK CITY POLICE DEPARTMENT
NEW YORK CITY POLICE DEPARTMENT MANHATTAN
NORTH NARCOTICS BUREAU, 30TH PRECINCT
LOUIS DAMBROSIO, CRYSTAL COLLINS, AND "JOHN DOES"
REPRESENTING VARIOUS NYC POLICE OFFICERS
WHOSE NAMES AND IDENTITIES ARE PRESENTLY UNKNOWN

-----X

TO: The Comptroller of the City of New York
Municipal Building • New York, New York 10007

NEW YORK CITY POLICE DEPARTMENT
MANHATTAN NORTH NARCOTICS BUREAU
LOUIS DAMBROSIO
CRYSTAL COLLINS
1 Police Plaza, New York, NY 10013

NEW YORK CITY POLICE DEPARTMENT 30th PRECINCT, "JOHN DOES"
C/O NEW YORK CITY POLICE DEPARTMENT
1 Police Plaza, New York, NY 10013
And
451 West 151st Street, New York, NY, 10031-1802

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and claimant's attorneys is:

Claimant

JORGE CERDA


Attorney

THE YANKOWITZ LAW FIRM, P.C.
175 East Shore Road
Great Neck, New York 11023
(516) 622-6200

2. The nature of the claim: To recover money damages for personal injuries, pain and suffering, emotional and psychological damages, humiliation, embarrassment, defamation of character, medical expenses and related damages, deprivation of Civil Rights, false arrest and false imprisonment, assault and battery, malicious prosecution and all damages permitted by Statute and Case Law, incurred by and on behalf of claimant JORGE CERDA, , and punitive damages, by reason of his false arrest/false imprisonment, deprivation of Civil Rights, assault and battery, malicious prosecution, physical, verbal and emotional abuse, and the negligence, carelessness and recklessness committed by THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, MANHATTAN NORTH NARCOTICS BUREAU, NYCPD 30th Pct. LOUIS DAMBROSIO, CRYSTAL COLLINS and "JOHN DOES" representing various NYCPD Officers whose names and identities are presently unknown, and their agents, servants and/or employees.

3. The time when, the place where and the manner in which the Claim arose: Upon information and belief, the claim arose on February 27, 2013 at approximately 6:40 AM while the claimant, JORGE CERDA was lawfully in his home at [REDACTED] Upon information and belief, at said time, date and place, NYC POLICE Officers of the 30th PCT., and/or other precincts and/or MANHATTAN NORTH NARCOTICS BUREAU falsely accused claimant JORGE CERDA of selling narcotics. Said Police Officers were advised by the claimant, JORGE CERDA, that he had nothing to do with the said charge. Police Officers ignored the statements and information provided by the claimant JORGE CERDA and failed and refused to conduct an investigation. Said Police Officers falsely arrested and placed handcuffs on the claimant, JORGE CERDA in front of his children, fiancé, his mother and step-father; brought him down through the lobby of his building in front of neighbors and placed him into a police van; claimant was kept in this police van for approximately 1 ½ - 2 hours with handcuffs fasten tightly around his wrists causing pain and discomfort, and Police Officers refusing to loosen same despite repeated requests by claimant. Claimant was then taken to a precinct where he was finger printed, photographed, searched and placed into a cell. The claimant JORGE CERDA was falsely imprisoned for approximately 20 days and was released on bail on or about March 18, 2013. Said Police Officers threatened, intimidated and humiliated the claimant JORGE CERDA repeatedly telling him to "shut up" when he repeatedly tried to explain the mistake the said officers made, that there was clearly a mistaken identity and the arrest was improper and false; they treated the claimant JORGE CERDA like a hardened criminal over the 20 days of his false arrest and imprisonment. During the 20 days of false arrest and imprisonment the claimant JORGE CERDA was handcuffed, placed in prison cells, and placed in prison populations where he feared for his life. During the aforesaid false imprisonment, the claimant, JORGE CERDA was handcuffed and verbally, physically and emotionally abused, intimidated, humiliated, embarrassed and defamed by said police officers/employees and agents of the CITY OF NEW YORK, NYCPD whose identities are presently unknown. The NYCPD, the NYCPD 30th Pct., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and "JOHN DOES" Police Officers, their agents, and/or employees used excessive and unnecessary force, falsely imprisoned and falsely arrested the claimant JORGE CERDA and falsely accused him of selling drugs.

At all times following and during the false arrest and imprisonment, handcuffing and deprivation of the civil rights of the claimant, JORGE CERDA, the aforesaid NYC police officers and NYCPD, 30TH Pct., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO,

CRYSTAL COLLINS and their agents and employees possessed information and knowledge that the claims and accusations against the claimant JORGE CERDA were false and without merit as claimant JORGE CERDA advised them. The aforesaid false arrest and imprisonment of the claimant JORGE CERDA was without probable cause to believe a crime was committed by JORGE CERDA.

The respondents CITY OF NEW YORK AND NYCPD, their agents, servants and/or employees maliciously prosecuted the claimant without cause, without evidence of the commission of a crime by claimant, and with information and knowledge that they falsely arrested the claimant, JORGE CERDA and they falsely and mistakenly identified claimant. On December 9, 2013 all charges against the claimant JORGE CERDA were dismissed (see Certificates of Disposition Dismissal dated January 24, 2014, which are annexed hereto and incorporated herein by reference).

Claimant JORGE CERDA was denied and deprived of his civil rights both State and Federal, (including but not limited to 42USC § 1983, 1981 and the Fourth Amendment of the United States Constitution), was refused access to an attorney and was verbally, physically and emotionally abused, intimidated, humiliated, embarrassed and defamed by the NYCPD, MANHATTAN NORTH NARCOTICS BUREAU, 30TH PCT., LOUIS DAMBROSIO, CRYSTAL COLLINS, and "JOHN DOES" Police Officers.

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, MANHATTAN NORTH NARCOTICS BUREAU, 30th PCT., LOUIS DAMBROSIO, CRYSTAL COLLINS, and "JOHN DOES" Police Officers, their agents, servants and/or employees were careless, reckless and negligent in failing to properly train, instruct, supervise, monitor and control its agents, servants and employees; were careless, reckless and negligent in the performance of their law enforcement functions and duties; in that they failed to properly and adequately investigate the situation, question witnesses and respect and pay attention to the claimant; in failing to investigate; in falsely detaining, arresting and imprisoning the said claimant in a careless, reckless and negligent manner; in negligently, carelessly and recklessly failing to prevent the aforesaid incident and 20 days of claimant's incarceration; in causing, permitting and allowing the false arrest and imprisonment, excessive force, abuse and handcuffing of the claimant, JORGE CERDA, for 20 days and deprivation of his civil rights; in that they failed to employ adequate, competent personnel, training, supervision and inspection; in that they maintained and controlled their police officers and investigators, in a reckless disregard for the safety and welfare of said claimant JORGE CERDA; in that they failed to employ sufficient and adequate personnel and employees. That the CITY OF NEW YORK, the NYCPD and the NYCPD 30th PCT., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and "JOHN DOES" Police Officers, their agents, servants and employees on and before February 27th, 2013 and thereafter employed, engaged in, accepted, permitted and allowed a policy and/or custom and decision promulgated by the NYCPD, THE NYCPD 30th PCT., MANHATTAN NORTH NARCOTICS BUREAU and the aforesaid Police officers, of excessive and abusive force, lack of discretion and improper, careless, reckless and negligent investigation practices and procedures, racial and socio-economic bias and physical force. The aforesaid actions and conduct by police officers of NYCPD, their false arrest and imprisonment of claimant JORGE CERDA, the isolating, imprisoning, handcuffing, denial and deprivation of his civil rights, their denial and refusing access of this claimant for 20 days while keeping him imprisoned and handcuffed, occurred pursuant to the practice of the NYCPD of abuse, physical force and deprivation of Civil Rights that was so

permanent and well settled as to constitute a custom and usage with the force of law. The CITY OF NEW YORK, NYCPD and NYCPD 30th PCT., MANHATTAN NORTH NARCOTICS BUREAU failed to adequately and properly train police officers of the 30th Pct., with a deliberate indifference to the Civil Rights of the claimant JORGE CERDA, in violation of 42USC § 1983. THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, LOUIS DAMBROSIO, CRYSTAL COLLINS and "JOHN DOES" Police Officers , their agents, servants and/or employees deprived the said claimant, of due process and violated their Civil Rights under the constitution of the State of New York and the United States of America, as well as all applicable Civil Rights statutes, laws, ordinances, rules and regulations of the City and State of New York and the United States of America/Federal Government. THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, their agents, servants and/or employees maliciously assaulted and handcuffed the claimant, verbally abused and humiliated and embarrassed the claimant, JORGE CERDA and defamed his character. Falsely arrested and imprisoned claimant for 20 days and falsely and maliciously prosecuted claimant for 10 months. THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, their agents, servants and/or employees wrongfully, unlawfully, falsely and maliciously held, confined, restrained and imprisoned the said claimant, JORGE CERDA for 20 days; handcuffed him for extended hours of time, falsely arrested him and deprived him of his liberty, violated his civil rights, isolated him and deprived him access to his family, denied him access to legal counsel and verbally physically and emotionally abused, defamed, humiliated and embarrassed this claimant; and maliciously and falsely prosecuted him; all of which caused and inflicted serious injury and damage to the claimant JORGE CERDA, herein set forth.

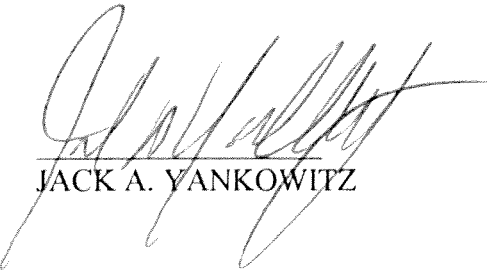
4. The Claimant JORGE CERDA sustained and continues to suffer from multiple bodily injuries, pain and distress, emotional and psychological injury and damage, posttraumatic stress disorder, great indignity, embarrassment and humiliation, pain and distress of mind and body, defamation and injury to his name, character and reputation in the community and among his family, friends, neighbors and others, has suffered financial loss and hardship, has suffered unconscionable deprivation and denial of his Civil Rights guaranteed under the constitution of the United States of America and the State of New York, as well as the Civil Rights statutes, laws, ordinances, rules and regulations of The City and State of New York and the United States of America/Federal Government; and claimant was caused to incur and continues to incur expenses for medical attention and treatment. The claimant, JORGE CERDA, has suffered damages in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

Infant Claimant JORGE CERDA further claims punitive damages in the amount of TWENTY FIVE MILLION (\$25,000,000.00) DOLLARS as a result of the aforesaid, concerted, conspired, wanton, willful and intentional assault/battery, false arrest, false imprisonment, physical, verbal, emotional and psychological abuse inflicted upon the claimant and the aforesaid malicious prosecution and deprivation of the Civil and Constitutional Rights of the claimant, JORGE CERDA, who was lawfully at his home on February 27, 2013, by THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, 30th Pct., MANHATTAN NORTH NARCOTICS BUREAU, LOUIS DAMBROSIO, CRYSTAL COLLINS and "JOHN DOES" Police Officers their agents, servants and employees.

The undersigned and claimant herein therefore present this claim for adjustment and payment. You are hereby notified that unless said claim is adjusted and paid within the time provided by law

from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: Great Neck, New York
February 7, 2014



JACK A. YANKOWITZ

THE YANKOWITZ LAW FIRM, P.C.
Attorney for Claimant
175 East Shore Road
Great Neck, New York 11023
(516) 622-6200

VERIFICATION

STATE OF NEW YORK)

ss.:

COUNTY OF NASSAU)

JACK A. YANKOWITZ, being duly sworn, deposes and says that deponent is the attorney for the above-named claimants; deponent has read the foregoing NOTICE OF CLAIM and know its contents; the same is true to deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.



JACK A. YANKOWITZ

Sworn to before me on
February 7, 2014



NOTARY PUBLIC

MARIELA GERMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01GE6116248
QUALIFIED IN NASSAU COUNTY
TERM EXPIRES SEPTEMBER 20, 20 *14*

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
100 CENTRE STREET
NEW YORK, NY 10013

FEE:\$10.00

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 01/24/2014

CERTIFICATE OF DISPOSITION NUMBER: 45896

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 00911N-2013
LOWER COURT NUMBER(S):
DATE OF ARREST: 02/27/2013
ARREST #: M13618284
DATE OF BIRTH: [REDACTED]
DATE FILED: 02/21/2013

CERDA, JORGE

DEFENDANT

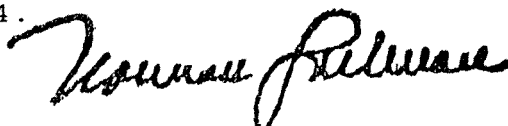
I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 12/09/2013 THE ABOVE ACTION WAS DISMISSED AND ALL PENDING CRIMINAL CHARGES RELATED TO THIS ACTION WERE ALSO DISMISSED BY THE HONORABLE JACKSON, M THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

THE ABOVE MENTIONED DISMISSAL IS A TERMINATION OF THE CRIMINAL ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 01/24/2014.



COURT CLERK

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
100 CENTRE STREET
NEW YORK, NY 10013

FEE:\$10.00

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 01/24/2014

CERTIFICATE OF DISPOSITION NUMBER: 45897

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 00915N-2013

LOWER COURT NUMBER(S):

DATE OF ARREST:

ARREST #:

DATE OF BIRTH:

DATE FILED:

02/21/2013

CERDA, JORGE

DEFENDANT

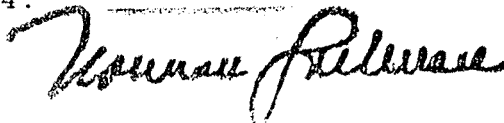
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IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 01/24/2014.



COURT CLERK

In the Matter of the Claim of

JORGE CERDA

- against -

THE CITY OF NEW YORK
NEW YORK CITY POLICE DEPARTMENT
NEW YORK CITY POLICE DEPARTMENT MANHATTAN
NORTH NARCOTICS BUREAU, 30TH PRECINCT
LOUIS DAMBROSIO, CRYSTAL COLLINS, AND "JOHN DOES"
REPRESENTING VARIOUS NYC POLICE OFFICERS
WHOSE NAMES AND IDENTITIES ARE PRESENTLY UNKNOWN

NOTICE OF CLAIM

THE YANKOWITZ LAW FIRM, P.C.

Attorneys for CLAIMANT

175 East Shore Road
Great Neck, New York 11023
(516) 622-6200

TO:

ATTORNEY'S VERIFICATION

JACK A. YANKOWITZ, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at THE YANKOWITZ LAW FIRM, P.C., attorneys of record for Plaintiff(s), Jorge Cerda. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

I make the foregoing affirmation because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: Great Neck, New York
May 30, 2014



JACK A. YANKOWITZ

Index No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JORGE CERDA

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT,
NEW YORK CITY POLICE DEPARTMENT MANHATTAN
NORTH NARCOTICS BUREAU, NEW YORK CITY POLICE DEPARTMENT 30TH
PRECINCT, P.O. LOUIS DAMBROSIO, P.O. CRYSTAL COLLINS and “JOHN DOES”
REPRESENTING VARIOUS NYC POLICE OFFICERS WHOSE NAMES AND IDENTITIES
ARE PRESENTLY UNKNOWN,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

THE YANKOWITZ LAW FIRM, P.C.

Attorneys for PLAINTIFF

175 East Shore Road

Great Neck, New York 11023

(516) 622-6200

TO: